

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HORACIO DE VEYRA PALANA, et al.,

Plaintiffs,

v.

MISSION BAY INC., et al.,

Defendants.

Case No. [13-cv-05235-SI](#)

**ORDER RE: AMENDED CLASS
NOTICE**

On May 13, 2016, the parties appeared for a hearing on plaintiffs' motion for preliminary approval of a class action settlement. On May 17, 2016, plaintiffs filed a supplemental declaration attaching: (1) an amended class notice to address concerns the Court raised at the hearing and (2) an amended worksheet regarding distribution of settlement funds to allot to class members roughly \$20,000 that was previously unallocated. Docket No. 149, Supp. Decl. of Tomas E. Margain ("Margain Decl.").

The Court has reviewed the amended class notice, Docket No. 149-1, and finds that the following issues remain to be corrected:

- ♦ Page 1 reads: "Contest the basis for determining your settlement award. See section _ below." This should read, "... See section **23** below."
- ♦ Page 3, Question 8 reads: "The Court previously certified a class of current and former MISSION BAY employees who were employed in California, as care staff workers at any time from November 12, 2009 to December 1, 2013." As discussed at the hearing, the class period runs from November 12, 2009 to **November 12, 2013**. See also Docket No. 81 at 4.
- ♦ Page 19, Question 20. Plaintiffs have deleted the third sentence from their

1 previously proposed class notice, Docket No. 142-2: "Class members are not
2 personally liable for any fees and costs, and MISSION BAY will pay these fees and
3 costs." At the hearing, the Court discussed deleting the second sentence from this
4 section of the prior class notice, but did not instruct plaintiffs to delete the third
5 sentence. The Court finds that this sentence is important to class members'
6 understanding of the settlement and should be added back to the class notice.

7 ♦ Page 7, Question 26. The time for the final approval hearing on August 5, 2016,
8 should be listed as **10:00 a.m.**, not 9:00 a.m., as discussed at the preliminary
9 approval hearing.

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11 The Court will not rule on the motion for preliminary approval until it receives an executed
12 amended settlement agreement. Plaintiffs have indicated that they anticipate the amended
13 agreement will be filed on May 18, 2016. Margain Decl. ¶ 4. Plaintiffs are also ORDERED to
14 file a further amended class notice in accordance with the guidance above.

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16 **IT IS SO ORDERED.**

17 Dated: May 17, 2016

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20 SUSAN ILLSTON
21 United States District Judge
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